

**LISTING OF CLAIMS:**

The following listing of claims will replace all prior versions and listings of the claims in the above-identified application:

*Sub B1*

**Claim 1 (Cancelled).**

**Claim 2 (Currently amended):** A data packet multi-access communicating method comprising steps of:

receiving a transmission demand from each of a plurality of mobile station stations in at a base station side;

*α2*  
determining a maximum transmission rate for each said mobile station at that time by taking account of radio wave propagation condition under which said each said mobile station is presently situated, a data size associated with each said transmission demand, a transmission error ratio and a priority order in of each said mobile station at said base station side; and

notifying said each said mobile station of said maximum transmission rate determined at said in base station side.

**Claim 3 (Currently amended):** A data packet multi-access communicating method comprising steps of:

transmitting a data size and a utilization demand of a maximum rate to a base station in case of for transmitting continuous data in large quantities in from each of a plurality of mobile stations; station side,

receiving said data size and said utilization demand from each said mobile station in at said base station side; ;

determining a maximum transmission rate for said each said mobile station at that time by taking account of radio wave propagation condition under which said each said mobile station is presently situated, said data size associated with said utilization demand for each said mobile station, and a transmission error ratio and a priority order in of each said mobile station at said base station side; ;

notifying said each said mobile station of said maximum transmission rate in determined at said base station side; and

*A2  
cont.*  
variably changing a transmission rate according to said maximum transmission rate indicated by said base station in at each said mobile station side.

**Claim 4 (Cancelled).**

**Claim 5 (Currently amended):** A receiving and transmitting apparatus on at a base station side comprising:

a transmission condition detecting means for monitoring transmission condition of a plurality of channels and determining quality of the transmission condition of each channel; ;

a transmission rate detecting means for detecting a transmission rate demanded by each channel and its error ratio; ;

a maximum rate control information determining means for determining a maximum value of the transmission rate of each channel by taking account of results of

said transmission condition detecting means and transmission rate detecting means, and  
an indication from an operation of other user; and

notifying each channel of a determination result of the maximum  
transmission rate determined by the maximum rate control information determining  
means.

**Claims 6-7 (Cancelled).**

*a2*  
*Cont.*

**Claims 8 (Currently amended):** A receiving and transmitting apparatus  
on at a base station side according to claim 5, characterized in that the receiving and  
transmitting apparatus is constructed of including:

a demodulation device corresponding to a channel for demodulating a  
signal received on said of a corresponding channel from a received signal received  
through a transmitting and receiving antenna and a radio transmitting and receiving  
device, to which a plurality of channels are multiplexed;

a variable rate communication path decoding device for conducting  
communication path decoding processing in accordance with a transmission rate, such as  
including reconstruction and error correction decoding of a frame and matching of a  
transmission rate, from a received signal which is demodulated and is slotted to a radio  
signal transmission unit in said demodulation device;

a transmission condition detecting device for detecting radio wave  
propagation condition and transmission condition of each communication path, based on  
an output signal demodulated in said demodulation device;

a transmission rate detecting device for detecting a transmission rate of each channel and its error ratio, based on an output signal decoded in said variable rate communication path decoding device; and

a maximum rate control information determining device for determining maximum rate control information of each channel, based on an output signal detected by said transmission condition detecting device and transmission rate detecting device.

*a<sup>n</sup>*  
*Concl.*

**Claim 9 (Cancelled).**

**Claim 10 (New): A data packet multi-access communicating method**  
comprising steps of:

receiving a transmission demand from each of a plurality of mobile stations at a base station;

determining a maximum transmission rate for each said mobile station according to radio wave propagation condition under which each said mobile station is presently situated, a transmission error ratio and a priority order of each said mobile station at said base station; and

notifying each said mobile station of said maximum transmission rate determined at said base station.